

Dorgan	Jeffords	Reid
Durbin	Johnson	Robb
Edwards	Kerrey	Roberts
Enzi	Kerry	Rockefeller
Feingold	Kohl	Roth
Feinstein	Kyl	Santorum
Fitzgerald	Landrieu	Sarbanes
Frist	Lautenberg	Schumer
Gorton	Leahy	Sessions
Graham	Levin	Shelby
Gramm	Lieberman	Smith (OR)
Grams	Lincoln	Snowe
Grassley	Lott	Specter
Gregg	Lugar	Stevens
Hagel	Mack	Thomas
Harkin	McConnell	Thompson
Hatch	Mikulski	Thurmond
Helms	Moynihan	Torricelli
Hollings	Murkowski	Voinovich
Hutchinson	Murray	Warner
Hutchison	Nickles	Wellstone
Inouye	Reed	Wyden

NAYS—2

Inhofe Smith (NH)

NOT VOTING—2

Kennedy McCain

The nomination was confirmed.

NOMINATION OF JOEL A. PISANO, OF NEW JERSEY, TO BE UNITED STATES DISTRICT JUDGE FOR THE DISTRICT OF NEW JERSEY

The PRESIDING OFFICER. The nomination will be stated.

The legislative clerk read the nomination of Joel A. Pisano, of New Jersey, to be United States District Judge for the District of New Jersey.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Joel A. Pisano, of New Jersey, to be United States District Judge for the District of New Jersey?

Mr. BIDEN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. NICKLES. I announce that the Senator from Arizona (Mr. MCCAIN) and the Senator from Florida (Mr. MACK) are necessarily absent.

Mr. REID. I announce that the Senator from Massachusetts (Mr. KENNEDY) is necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KENNEDY) would vote "aye."

The result was announced—yeas 95, nays 2, as follows:

[Rollcall Vote No. 11 Ex.]

YEAS—95

Abraham	Bryan	Daschle
Akaka	Bunning	DeWine
Allard	Burns	Dodd
Ashcroft	Byrd	Domenici
Baucus	Campbell	Dorgan
Bayh	Chafee, L.	Durbin
Bennett	Cleland	Edwards
Biden	Cochran	Enzi
Bingaman	Collins	Feingold
Bond	Conrad	Feinstein
Boxer	Coverdell	Fitzgerald
Breaux	Craig	Frist
Brownback	Crapo	Gorton

Graham	Landrieu	Roth
Gramm	Lautenberg	Santorum
Grams	Leahy	Sarbanes
Grassley	Levin	Schumer
Gregg	Lieberman	Sessions
Hagel	Lincoln	Shelby
Harkin	Lott	Smith (OR)
Hatch	Lugar	Snowe
Helms	McConnell	Specter
Hollings	Mikulski	Stevens
Hutchinson	Moynihan	Thomas
Hutchison	Murkowski	Thompson
Inouye	Murray	Thurmond
Jeffords	Nickles	Torricelli
Johnson	Reed	Voinovich
Kerrey	Reid	Warner
Kerry	Robb	Wellstone
Kohl	Roberts	Wyden
Kyl	Rockefeller	

NAYS—2

Inhofe Smith (NH)

NOT VOTING—3

Kennedy Mack McCain

The nomination was confirmed.

Mr. LEAHY. Mr. President, I move to reconsider the vote.

Mr. GRAHAM. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. LEAHY. Mr. President, as I understand, under the previous order, the distinguished Senator from Florida is to be recognized next. Seeing him on the floor, I ask unanimous consent that I be allowed to continue, without him losing his place in the order, for up to 4 minutes in reference to the judicial nominations we just confirmed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, as we begin the 2d session of the 106th Congress, we should think about the challenge we face with respect to our constitutional responsibility to work with the President to provide the many Federal judges who are desperately needed around the country.

Today I thank our Democratic leader, but I also particularly thank the majority leader, both longtime friends. They moved forward Senate consideration of two of the seven judicial nominations that were favorably reported to the Senate by the Judiciary Committee last year.

I know that had the distinguished majority leader not taken the earlier parliamentary action he did today, this would not have happened. I thank him for doing that.

I note the heavy vote on both these nominees. One had a vote of 96 votes. The other had a vote of 95 votes. Perhaps more relevant, there were only two votes against them. I would love to win elections by those kinds of margins in my home State of Vermont.

The point is that these distinguished jurists have been held up for some time. Yet when they finally come to a vote, we find an overwhelming majority of Republicans and Democrats are for them.

I hope that we might proceed to prompt action on the remaining five judicial nominations on the Senate cal-

endar, as well. Having confirmed Judge Ambro and Judge Pisano, I wish we were proceeding, as well, on the confirmations of Kermit Bye to the Eighth Circuit, Judge George Daniels to the District Court for the Southern District of New York, Tim Dyk to the Federal Circuit, and Marsha Berzon and Judge Richard Paez to the Ninth Circuit.

I hope that the distinguished majority leader, Senator LOTT, and the distinguished Democratic leader, Senator DASCHLE, the distinguished chairman of the Judiciary Committee, Senator HATCH, and I can find a way to consider each of the judicial nominations reported last year to the Senate by the Judiciary Committee.

Last October, Senator LOTT committed to working with us, and I commend him for that. Also, in November, he announced he would press forward for votes on the nominations of Judge Richard Paez and Marsha Berzon to the Ninth Circuit by March 15. In that regard, not only do I commend him for pushing forward, but I commend the distinguished Senators from California, Senators FEINSTEIN and BOXER, for their steadfast support of these nominees. They are now in line to receive Senate action. We should do the same with all the others.

Then there is the question of the 31 judicial nominations pending in the Judiciary Committee. In fact, 29 not yet had hearings, although we now have some planned.

I am challenging the Senate to regain the pace it met in 1998 when the committee held 13 hearings and the Senate confirmed 65 judges. That would still be one fewer than the number of judges confirmed by a Democratic Senate majority in the last year of the Bush administration in 1992. In fact, in the last 2 years of the Bush administration, a Democratic Senate majority with a Republican President confirmed 124 judges. We now have a Democratic President with a Republican-controlled Senate, and it would take 90 confirmations this year alone for the Senate to equal that total.

Let me show a chart. These are Presidential election years. This is what we have done on nominations: 64 in 1980; 44 in 1984; 1988, with a Democratic-controlled Senate and a Republican-controlled Presidency, 42; in 1992, with the Democrats in control of the Senate and with a Republican President, we confirmed 66 judges; but then 4 years later with a Republican Senate and a Democratic President, it dropped to only 17 judges without a single judge confirmed to the federal courts of appeals; and now we have confirmed 2 judges so far this year.

I hope we can do better. I hope we will say that 1996 was an anomaly and the Senate will very much take its duties seriously.

Let these judges have a vote. If Senators do not want them, vote against

them. But as we have seen, oftentimes even when they are held up, if they can finally get a vote, they are overwhelmingly confirmed by the Senate.

Over the last 5 years, the Republican-controlled Senate confirmed the following: 58 federal judges in the 1995 session; 17 in 1996; 36 in 1997; 65 in 1998; and 34 in 1999. In one year, 1994, with a Democratic majority in the Senate, we confirmed 101 judges. With commitment and hard work many things are achievable. I am not demanding that the Senate confirm 101 judges this year, as we did in 1994, or 90 or 80 or even 70. But I do challenge the Republican-controlled Senate to hold at least 13 hearings and confirm at least 65 judges, as it did in 1998.

We failed to reach those goals last year when the Judiciary Committee held barely half that number of hearings and confirmed barely half that number of judges. A confirmation total of 65 at the end of this year is achievable if we make the effort, exhibit the commitment and do the work that is needed to be done. We cannot achieve this goal if we wait several more weeks before holding hearings or wait several weeks between hearings. To hold at least 13 hearings requires the Committee to begin holding hearings right away and to hold hearings at least every other week for the entire session.

I am continuing to work with Chairman HATCH so that all of the nominees submitted to us get a fair hearing before the committee and a fair up-or-down vote before the Senate.

We begin this year with 79 judicial vacancies, more than existed when the Republican majority took control of the Senate five years ago and over 50 percent more than when the Senate adjourned in 1998. Over the last 5 years we have actually lost ground in our efforts to fill longstanding judicial vacancies that are plaguing the Federal courts.

Moreover, the Republican Congress has refused to consider the authorization of the additional judges needed by the federal judiciary to deal with their ever increasing workload. In 1984, and in 1990, Congress responded to requests by the Chief Justice and the Judiciary Conference for needed judicial resources. Indeed, in 1990, a Democratic majority in the Congress created scores of needed new judgeships during a Republican administration.

Three years ago the Judicial Conference of the United States requested that an additional 53 judgeships be authorized around the country. Last year the Judicial Conference renewed its request but increased it to 72 judgeships needing to be authorized around the country. Instead, the only Federal judgeships created since 1990 were the nine District Court judgeships authorized in the omnibus appropriations bill at the end of last year.

If Congress had timely considered and passed the Federal Judgeship Act

of 1999, S. 1145, as it should have, the Federal judiciary would have over 150 vacancies today. That is the more accurate measure of the needs of the Federal judiciary that have been ignored by the Congress over the past several years and places the vacancy rate for the Federal judiciary at over 16 percent—151 out of 915. As it is, the vacancy rate is almost 10 percent—79 out of 852—and has remained too high throughout the 5 years that the Republican majority has controlled the Senate.

Especially troubling is the vacancy rate on the courts of appeals, which continues at 15 percent—27 out of 179—without the creation of any of the additional judgeships that those courts need to handle their increased workloads.

Most troubling is the circuit emergency that had to be declared four months ago by the Chief Judge of the Court of Appeals for the Fifth Circuit. I recall when the Second Circuit had such an emergency 2 years ago. Along with the other Senators representing States from the Circuit, I worked hard to fill the five vacancies then plaguing my circuit. The situation in the Fifth Circuit is not one that we should tolerate; it is a situation that I wished we had confronted by expediting consideration of the nominations of Alston Johnson and Enrique Moreno last year. I hope that the Senate will consider both of them promptly in the early part of this year.

I deeply regret that the Senate adjourned in November and left the Fifth Circuit to deal with the crisis in the federal administration of justice in Texas, Louisiana and Mississippi without the resources that it desperately needs. I look forward to our resolving this difficult situation promptly this session. I will work with the majority leader and the Democratic leader to resolve that emergency at the earliest possible time.

With 27 vacancies on the Federal appellate courts across the country and 73 percent of the judicial emergency vacancies in the Federal courts system in our appellate courts, our courts of appeals are being denied the resources that they need, and their ability to administer justice for the American people is being hurt. There continue to be multiple vacancies on the Ninth Circuit. Six vacancies out of 28 authorized judgeships is too many; perpetuating five judicial emergency vacancies, as the Senate has in this one circuit, is irresponsible. We should act on these nominations promptly and provide the Ninth Circuit with the judicial resources it needs and to which it is entitled.

I am likewise concerned that the Third, Fourth and Sixth Circuits are suffering from multiple vacancies.

I look forward to Senate action on the long-delayed nominations of Judge

Richard Paez, Marsha Berzon and Tim Dyk. I continue to urge the Senate to meet our responsibilities to all nominees, including women and minorities, and look forward to prompt and favorable action on the nominations of Judge Julio Fuentes to the Third Circuit, Judge James Wynn, Jr. to the Fourth Circuit, Enrique Moreno to the Fifth Circuit, and Kathleen McCree Lewis to the Sixth Circuit.

Working together the Senate can join with the President to confirm well-qualified, diverse and fair-minded judges to fulfill the needs of the Federal courts around the country. I urge all Senators to make the Federal administration of justice a top priority for the Senate this year.

Mr. President, I see my distinguished friend from Florida on the floor. I thank him for his courtesy. I commend the distinguished senior Senator from New Jersey for giving us such a fine nominee. I yield the floor.

Mr. LAUTENBERG. Mr. President, I ask unanimous consent that I be permitted to speak for up to 6 minutes without the Senator from Florida losing any of his time. I thank him for his willingness to allow this.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LAUTENBERG. Mr. President, this is a good day for New Jersey. I am so pleased the Senate has confirmed the appointment of an outstanding citizen of our State, Joel Pisano, for a seat on the U.S. District Court for New Jersey. He is a competent, thorough, well-thought-of individual. I thank Senator HATCH and Senator LEAHY for their help in moving Mr. Pisano's nomination through the Judiciary Committee and their support of his nomination. I recommended him in June of 1999. I am grateful to hear he was confirmed by a vote of 95 to 2.

Joel Pisano has outstanding credentials. He is going to be an excellent addition to our district court. The backlog of cases is very high. It takes a long time for people to bring their cases and have them adjudged. Joel Pisano will be an excellent addition to our bench and help move that caseload fairly and rapidly.

He has served as a magistrate judge since 1991. He is already performing many of the duties of a district court judge, including jury and nonjury trials. He has managed pretrial proceedings in about 600 civil cases, so he is used to controlling the large caseload of a Federal court. He has also dealt with a wide variety of different cases—patent and trademark cases, environmental cleanup disputes, anti-trust and securities litigation, employment discrimination cases, and civil RICO matters.

I did a lot of personal research, as I have on all of the recommendations I have made to the Federal bench, and I

was so pleased to hear of the unanimous approval of Mr. Pisano as a candidate for the Federal bench.

He has a reputation for competence, energy, and commitment that perfectly fits the profile of an excellent candidate to sit on the Federal district court bench.

He has consistently impressed everyone who appears before him and who works with him in his capacity for fairness and his thorough understanding of the law.

I heard not one critical note from the people I spoke to—lawyers, judges, those who make up much of the legal community in the State of New Jersey.

Prior to his appointment as a magistrate, Mr. Pisano was a partner in a distinguished law firm. In the 13 years he spent representing clients, he developed an expertise in a wide variety of areas, in both civil and criminal matters.

Mr. Pisano appeared in court almost every day and tried 150 cases to conclusion. He also managed the litigation section of his firm, which I think was an early indication of the supervisory skills that have served him so well as a magistrate.

Magistrate Pisano's depth of experience and organizational skills are exactly what we need at a time when staggering caseloads are making it more and more difficult for our Federal judges to spend as much time with each case as they would wish.

He will tackle his new responsibilities with energy to spare. I am pleased the Senate confirmed him. I am honored that I brought him to the attention of the Senate. I believe he will serve as one of our most outstanding judges in the district court.

Mr. President, I thank my friend from Florida and yield the floor.

Mr. TORRICELLI. Mr. President, I am pleased that the Senate, by a 95-2 vote, has confirmed Joel Pisano as a district court judge for the District of New Jersey.

Judge Pisano is an excellent choice to fill the district court seat created with the confirmation of Marion Trump Barry to the third Circuit Court of Appeals this past summer. He is extremely well-respected in New Jersey for his commitment to public service, as well as for his depth and breadth of knowledge of the law.

A graduate of Lafayette College and later of Seton Hall University Law School, Judge Pisano has had a varied and distinguished legal career. He served for 4 years as a public defender in New Jersey, before moving into private practice as a partner with a well-respected New Jersey law firm for 14 years.

In 1991, Judge Pisano was appointed to be a U.S. Magistrate Judge in Newark, New Jersey. In that capacity, he ably presided over a number of high profile cases, including that of a former

Mexican deputy attorney general who was charged with laundering \$9.9 million in drug payoffs.

In a 1995 survey of attorneys who practice in New Jersey before Federal judges, Judge Pisano was praised for his skills in managing cases and his efficiency in moving a calendar quickly. His "street-wise" nature and prior experience as a trial attorney were said to serve him well on the bench.

Judge Pisano's 8 years as a magistrate judge have prepared him for his promotion to the district court. He has an understanding of, and the training for, the responsibilities and challenges he will face as a district court judge. I am confident that he will serve us all well in his new role.

In conclusion, I just want to say how pleased I am that Joel Pisano has been confirmed by the Senate as a district court judge for the District of New Jersey. I am sure that he will be a superb addition to the bench.

LEGISLATIVE SESSION

The PRESIDING OFFICER (Mr. FITZGERALD). Under the previous order, the Senate will now return to legislative session.

Mr. WELLSTONE addressed the Chair.

The PRESIDING OFFICER. The Senator from Minnesota.

Mr. WELLSTONE. The Senator from Florida has been gracious enough to allow me to take a few moments, and that is all I will do. I ask unanimous consent to be able to do that.

The PRESIDING OFFICER. Without objection, it is so ordered.

(The remarks of Mr. WELLSTONE pertaining to the introduction of S. 2055 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. WELLSTONE. Mr. President, I thank my colleague from Florida for allowing me to speak.

I yield the floor.

Mr. GRAHAM addressed the Chair.

The PRESIDING OFFICER. The Senator from Florida.

(The remarks of Mr. GRAHAM pertaining to the introduction of S. 2058 are located in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

The PRESIDING OFFICER. The Senator from West Virginia is recognized.

Mr. BYRD. Mr. President, what is the business before the Senate?

The PRESIDING OFFICER. The Senate is in morning business.

Mr. BYRD. Is there a time limit in the order?

The PRESIDING OFFICER. There is no time limit.

FLOYD RIDDICK

Mr. BYRD. Mr. President, I wish to speak briefly regarding the late Floyd Riddick.

Floyd Riddick was for several years the Parliamentarian of the Senate. Floyd Riddick was born in 1908 in Trotville, NC. That was the same year in which the Model T Ford was made. The Model A Ford came along in December of 1927, but the Model T Ford came on the market in 1908.

Floyd Riddick was from that generation of Americans committed to duty, excellence, and hard work. His entire life reflected a love of duty, of excellence, and of hard work. Floyd Riddick attended Duke University. He attained his master's degree at Vanderbilt, and then he returned to Duke University to earn his Ph.D. in political science. While working on his doctoral dissertation, Floyd Riddick spent a year observing the workings of the U.S. House of Representatives. And then, in 1941, he published an expanded version of that research as congressional procedure.

For the benefit of the viewing public, I hold in my hand a copy of the volume about which I have just spoken. The title is "Riddick's Senate Procedure." This particular volume, which was printed by the U.S. Government Printing Office here in Washington in 1992, including the appendix, contains 1,564 pages. Mr. President, I have read this book on Riddick's Procedure through and through and through a number of times. It used to be that when I was the Democratic whip, and while I was also Secretary of the Democratic Conference in the Senate, and during the time I was majority leader, minority leader, and majority leader again, I read this book once every year—the complete book. It is a very valuable book. If one hopes to ever have a fairly good understanding of the Senate rules and precedents, then he or she should read this book. The Parliamentarians of the Senate are very familiar with it. They resort to it many times a day, and it is a sure and dependable guideline with respect to the rules and precedents in the Senate. Doc Riddick—we called him "Doc"—published a book on congressional procedure. This book is on Senate procedure.

He then came to Washington permanently as a statistical analyst and as an instructor of political science at American University. He was a Ph.D. in political science. I never received my baccalaureate in political science until I was 76 years old. That was about 6 years ago. I received my baccalaureate in political science, but, of course, I knew a lot about political science long before I ever received that degree. I am a graduate of the school of hard knocks, and I learned a long time ago the lessons that are taught by service in this body and in the other body. This is my 48th year on Capitol Hill.

The late Richard Russell talked with me one day about the rules in the Democratic Cloakroom, right in back of where I am now standing. He said: